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The question of the extraterritorial effect to be given to a divorce obtained in a state where only one of the parties is domiciled is one of great importance at the present time. Upon this question there are several distinct theories. Some of the courts hold that as a divorce affects the status of the parties, it is a proceeding in *rem*, and that when the court acquires jurisdiction over one of the parties it thereby acquires jurisdiction over the *res*, and its decree, if valid where rendered, is valid everywhere, even in the absence of actual notice to, or appearance on the part of, the defendant. *Cheever v. Wilson*, 76 U. S. (9 Wall.) 108; *In re James' Estate*, 99 Cal. 374, 33 Pac. 1122, 37 Am. St. Rep. 60; *Van Orsdal v. Van Orsdal*, 67 Ia. 35, 24 N. W. 579; *Slade v. Slade*, 58 Me. 157; *Williams v. Williams*, 53 Mo. App. 617; *Shafer v. Bushnell*, 24 Wis. 372. See also the dissenting opinion of Mr. Justice HOLMES in *Haddock v. Haddock*, 201 U. S. 652, 26 Sup. Ct. 525. Another line of cases holds that a divorce proceeding is one strictly in *personam* and that a decree is therefore not binding on a defendant domiciled outside the jurisdiction of the court in the absence of personal service upon him within the jurisdiction of such court, or of voluntary appearance on his part. *Haddock v. Haddock*, supra; *Borden v. Fitch*, 15 Johns. (N. Y.) 121, 8 Am. Dec. 225; *Bradshaw v. Heath*, 13 Wend. (N. Y.) 407; *McGiffert v. McGiffert*, 31 Barb. (N. Y.) 107; *People v. Baker*, 76 N. Y. 78, 32 Am. Rep. 274; *Rundle v. Van Inwegen*, 9 Civ. Proc. R. (N. Y.) 328; *Love v. Love*, 10 Phila. (Pa.) 453. A few cases even go so far as to hold that where the defendant has received actual notice outside the jurisdiction of the court and is present during a part of the proceedings, though without entering a formal appearance, or where the defendant has waived further notice, still he is not bound by the judgment. *O'Dea v. O'Dea*, 101 N. Y. 23, 4 N. E. 110; *Williams v. Williams*, 130 N. Y. 193, 29 N. E. 98, 27 Am. St. Rep. 517, 14 L. R. A. (O. S.) 220; *In re House's Estate*, 14 N. Y. Supp. 275, 20 Civ. Proc. R. 130, 2 Con. Sur. 524. Then there is a third line of cases holding that a divorce is neither strictly in *rem* nor strictly in *personam*, but *quasi in rem*. These cases hold that personal service on the non-resident defendant or appearance by him is not absolutely necessary in order that a divorce may be binding extraterritorially, but still they require that the best possible notice that the circumstances permit shall be given. *Harding et ux. v. Alden*, 9 Me. 140, 23 Am. Dec. 549; *Burten v. Shannon*, 115 Mass. 438; *Holmes v. Holmes*, 57 Barb. (N. Y.) 305; *Loker v. Gerald*, 157 Mass. 42; *Thomas v. King*, 95 Tenn. (11 Pickle) 60, 31 S. W. 983. This latter line of cases, while not supported by the numerical weight of authority, seems to present a reasonable solution of the question and to avoid most of the evils attendant upon the two other lines of decisions.

JUDGMENT—AGAINST RAILROAD COMMISSIONERS—BINDING EFFECT ON PUBLIC.—The legislature passed certain laws fixing the maximum rates to be charged by railroads doing intrastate business. A railroad brings suit against the members of the Railroad Commission in their individual capacity to enjoin the enforcement of these laws. *Held*, that the public officers

represent the citizens of the state, and that the latter are bound on collateral attack by a judgment rendered in a suit by a railroad against the commissioners in regard to fixing of rates; that, however, if the rate fixed is unjust the citizen may proceed directly to petition the board to alter it, and upon their refusal may sue in equity to enjoin both the carrier and the public officers from enforcing such rate. *Central of Georgia Ry. Co. et al. v. Railroad Commission of Alabama et al.* (1908), — C. C., M. D., Ala. —, 161 Fed. 925, 981.

This case illustrates a departure from the general rule that a judgment binds only parties and their privies. We have been unable to find any cases directly in point, but the cases where action is brought by or against public officers in their official capacity are closely analogous, inasmuch as the principal case holds that the suit against the officers binds the public by representation, and therefore the effect is practically the same as if such officers were sued in their official capacity. There are several cases which hold that in an action by a taxpayer against the taxing officers to enjoin the collection of a tax or to have it declared void, a former judgment against such officers holding the purpose for which the tax is levied to be valid is conclusive upon the rights of the individual taxpayer, though not a formal party to such proceeding. *Clark v. Wolf et al.*, 29 Ia. 197; *Harmon v. Auditor of Public Accounts*, 123 Ill. 122, 13 N. E. 161, 5 Am. St. Rep. 502, affirming *Harmon v. Auditor of Public Accounts*, 22 Ill. App. 129. See also *Cannon v. Nelson*, 83 Ia. 242, 48 N. W. 1033. On the other hand, it has been held that the judgment in a suit brought by the county commissioners is not binding on a taxpayer in a subsequent suit, though the issues of the two cases are identical, the court saying that the taxpayer was not a party or privy and therefore is not concluded. *Price v. Gwin*, 144 Ind. 105, 43 N. E. 5. See also *Denny v. State*, 144 Ind. 503, 42 N. E. 929, 31 L. R. A. 726. In the principal case it is certain that the citizens are not parties in the sense that they have the right to call and examine witnesses and control the trial. Furthermore, if the citizens are to be bound at all by a judgment in a case in which they are parties by representation only, then why should they not be concluded as to all questions? Why should not the decision of the representatives be final as to whether or not there should be an appeal from the judgment? And on what principle can the filing and denial of a petition to revise railroad rates give a person a right to bring suit when otherwise he would be concluded by a former judgment?

MANDAMUS—WHEN PROPER—LICENSES—DISCRETION OF OFFICERS—ARBITRARY EXERCISE.—The Statute of South Carolina provides that a board of examiners "shall alone possess and exercise the power of granting, withholding or vacating the license of pharmacists, apothecaries and druggists," and further that "No examination shall be required in case the applicant is a regular graduate in pharmacy from any reputable college." The relator was a graduate of the Department of Pharmacy, University of Maryland, and waived the benefit of exception as to college graduates and offered to take the examination to become a registered pharmacist. He was excluded